



VERNON R. RICE §  
OF COUNSEL

## INTELLECTUAL PROPERTY ATTORNEYS

PATENT APPLICATION  
Docket No: 15436.312

In re application of

Lew Aronson et al.

Serial No.:

10/824,258

) Art Unit  
) 2613

Confirmation No.:

6508

Filed:

April 14, 2004

For:

# OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK TRANSCEIVERS

## Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

Statement of relevance of selected cited references not in the English language which are not translated.

Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

\* Admitted only in California  
§ Admitted only in Virginia

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 132 references submitted for consideration.
- ☒ Copies of the FOREIGN and NPL references listed on the Form PTO-1449.
- ☐ English translations of «FormData» («FormData») of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
  - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
  - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☐ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☒ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
  - ☐ Promptness Certification; or

X Credit Card Payment Form in the amount of \$180 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III.     \_\_\_ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_ Promptness Certificate;

\_\_\_ Petition for Consideration; and

\_\_\_ Check No. in the amount of «FormData» constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV.     \_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_ Petition to Withdraw from Issue; and

\_\_\_ Check No. «FormData» in the amount of «FormData» constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C.     Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

July 10, 2007  
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\_\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 10th day of July 2007.

Respectfully submitted,

A handwritten signature in black ink that reads "Shane K Jensen". The signature is written in a cursive, flowing style.

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ELS:SKJ:llc  
Enclosures  
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